

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Robert E. Shifko
Amy M. Shifko
Debtor(s)

Bankruptcy Case No.: 17-20548-GLT
Issued Per 1/25/2018 Proceeding
Chapter: 13
Docket No.: 100 – 85
Concil. Conf.: January 25, 2018 at 11:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated December 20, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jan. 25, 2018 at 11:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☒ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 3 of Fifth Third Bank at modified terms of the plan. .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

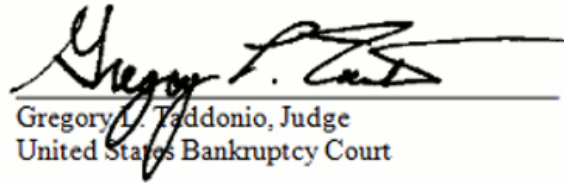
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: January 29, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Imaged Certificate of Notice Page 4 of 6

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
Robert E. Shifko
Amy M. Shifko
DebtorsCase No. 17-20548-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
Form ID: 149Page 1 of 3
Total Noticed: 69

Date Rcvd: Jan 29, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 31, 2018.

db/jdb
cr
14364763
14401040
14364764
14391267
14391268
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14640408
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14631469
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14364788
14364802
14364806
14364803
14364804
14364805
14364809
14416069
14631901
14389293
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14364808

+Robert E. Shifko, Amy M. Shifko, 8486 State Route 819, Greensburg, PA 15601-7525
THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YO, PO Box 31785, TAMPA, FL 33631-3785
+American Express, PO Box 981537, El Paso, TX 79998-1537
American Express Centurion Bank, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: Bank of America, PO Box 982238, El Paso, TX 79998)
+Bank of America, PO Box 31785, Tampa, FL 33631-3785
Bank of America, N.A., PO Box 31785, Tampa, FL 33631-3785
+CP/Bon Ton, PO Box 182789, Columbus, OH 43218-2789
+Capital One, PO Box 30253, Salt Lake City, UT 84130-0253
+Capital One Bank, PO Box 30281, Salt Lake City, UT 84130-0281
Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
+Capital One/Justice, PO Box 30253, Salt Lake City, UT 84130-0253
+Cavalry Spv I, LLC, Bass & Associates, P.C., 3936 E. Ft. Lowell Road, Suite #200, Tucson, AZ 85712-1083
+Chase/Bank One Card Serv., PO Box 15298, Wilmington, DE 19850-5298
+Chase/Best Buy, PO Box 15298, Wilmington, DE 19850-5298
+Communit Bank/Victoria Secret, PO Box 182789, Columbus, OH 43218-2789
+DSNB/Macy's, PO Box 8113, Monroe, OH 45040-8113
Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657, Kirkland, WA 98083-0657
Exxon Mobile/Citibank CBNA, PO Box 5497, Sioux Falls, SD 57117
++FIFTH THIRD BANK, MD# ROPS05 BANKRUPTCY DEPT, 1850 EAST PARIS SE, GRAND RAPIDS MI 49546-6253
(address filed with court: Fifth Third Bank, 5050 Kingsley Drive, Cincinnati, OH 45263)
+FNB/Omaha, POB 3412, Omaha, NE 68197-0001
+Fifth Third Bank, PO Box 9013, Addison, Texas 75001-9013
+First National Bank of Omaha, 1620 Dodge St., Stop Code 3105, Omaha, NE 68197-0002
+HAB-DLT, Berkheimer, PO Box 25153, Lehigh Valley, PA 18002-5153
+Home Depot/CBNA, PO Box 6497, Sioux Falls, SD 57117-6497
Kohl's Department Store, PO Box 3115, Milwaukee, MO 63930-5049
+Navient Solutions, LLC. on behalf of, Massachusetts Higher Education Assistance, d/b/a American Student Assistance, 100 Cambridge Street, Suite 1600, Boston, MA 02114-2567
+Pennsylvania Office of Attorney General, 564 Forbes Ave. #6, Pittsburgh, PA 15219-2903
Portfolio Recovery Associates, 120 Corporate Blvd., Cumberland, MD 21502
+SYNCB/Evin Live, PO Box 965005, Orlando, FL 32896-5005
+Sears/CNBA, PO Box 6282, Sioux Falls, SD 57117-6282
+Sunoco Citibank, POB 6497, Sioux Falls, SD 57117-6497
+TD Bank USA/Target, PO Box 673, Minneapolis, MN 55440-0673
++US BANK, PO BOX 5229, CINCINNATI OH 45201-5229
(address filed with court: US Bank, PO box 108, Saint Louis, MO 63166)
+United Revenue Collection, PO Box 1184, Langhorne, PA 19047-6184
+United States Attorney's Office, Western District of Pennsylvania, Joseph F. Weis United States Courthouse, 700 Grant Street, Suite 4000, Pittsburgh, PA 15219-1956
+Universal CD CBNA, PO Box 6497, Sioux Falls, SD 57117-6497
+WF CRD Svc, PO Box 14517, Des Moines, IA 50306-3517
Wells Fargo Bank, N.A., PO Box 10438, Des Moines, IA 50306-0438
Wells Fargo Bank, N.A., Wells Fargo Education Financial Services, PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438
+Wells Fargo Bank, NA, Home Equity Group, 1 Home Campus, X2303-01A, Des Moines, IA 50328-0001
+Wells Fargo Education Service, PO Box 84712, Sioux Falls, SD 57118-4712
+Wells Fargo Home Mortgage, PO Box 10335, Des Moines, IA 50306-0335

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14364765
14635881
14364776
14364780
14364781
14642029
14407006

+E-mail/Text: bankruptcy@cavps.com Jan 30 2018 02:11:56 Calvary Portfolio Services, 500 Summit Lake Dr., Ste. 4A, Valhalla, NY 10595-2323
+E-mail/Text: bankruptcy@cavps.com Jan 30 2018 02:11:56 Cavalry SPV I, LLC, 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340
+E-mail/Text: bankruptcynotice@fcbanking.com Jan 30 2018 02:11:02 First Commonwealth Bank, 22 N. 6th St., Indiana, PA 15701-1802
E-mail/Text: cio.bncmail@irs.gov Jan 30 2018 02:11:08 Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346
+E-mail/Text: key_bankruptcy_ebnc@keybank.com Jan 30 2018 02:11:51 Key Bank, 4910 Tiedeman Rd., Cleveland, OH 44144-2338
+E-mail/Text: key_bankruptcy_ebnc@keybank.com Jan 30 2018 02:11:51 KeyBank N.A., 4910 Tiedeman Road, Brooklyn, OH 44144-2338
E-mail/PDF: resurgentbknotifications@resurgent.com Jan 30 2018 02:16:48
LVNV Funding, LLC its successors and assigns as, assignee of Citibank, N.A., Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587

District/off: 0315-2

User: dbas
Form ID: 149

Page 2 of 3
Total Noticed: 69

Date Rcvd: Jan 29, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14411689 +E-mail/Text: bankruptcydpt@mcmcg.com Jan 30 2018 02:11:37 MIDLAND FUNDING LLC,
PO Box 2011, Warren, MI 48090-2011
14364785 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 30 2018 02:25:29
Portfolio Recovery Associates, 120 Corporate Blvd., Ste. 100, Norfolk, VA 23502
14642104 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 30 2018 02:39:34
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14368246 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Jan 30 2018 02:11:27
Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,
Harrisburg, PA 17128-0946
14364783 +E-mail/Text: RVSVCBICNOTICE1@state.pa.us Jan 30 2018 02:11:27
Pennsylvania Department of Revenue, Department 280946, Harrisburg, PA 17128-0001
14391500 E-mail/Text: bnc-quantum@quantum3group.com Jan 30 2018 02:11:16
Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
14364789 +E-mail/PDF: gecsedirecoverycorp.com Jan 30 2018 02:17:08 SYNCB/BP, PO Box 965024,
Orlando, FL 32896-5024
14364790 +E-mail/PDF: gecsedirecoverycorp.com Jan 30 2018 02:16:41 SYNCB/Dicks, PO Box 965036,
Orlando, FL 32896-5036
14364792 +E-mail/PDF: gecsedirecoverycorp.com Jan 30 2018 02:17:08 SYNCB/JC Penneys, PO Box 965036,
Orlando, FL 32896-5036
14364793 +E-mail/PDF: gecsedirecoverycorp.com Jan 30 2018 02:17:36 SYNCB/Lowes DC, PO Box 965005,
Orlando, FL 32896-5005
14364794 +E-mail/PDF: gecsedirecoverycorp.com Jan 30 2018 02:16:41 SYNCB/Old Navy, PO Box 965005,
Orlando, FL 32896-5005
14364795 +E-mail/PDF: gecsedirecoverycorp.com Jan 30 2018 02:17:36 SYNCB/Paypal Extras MC,
PO Box 965005, Orlando, FL 32896-5005
14364796 +E-mail/PDF: gecsedirecoverycorp.com Jan 30 2018 02:16:42 SYNCB/QVC, PO Box 965005,
Orlando, FL 32896-5005
14364797 +E-mail/PDF: gecsedirecoverycorp.com Jan 30 2018 02:17:08 SYNCB/Roomful Express,
PO Box 965036, Orlando, FL 32896-5036
14364799 +E-mail/PDF: gecsedirecoverycorp.com Jan 30 2018 02:17:36 SYNCB/TJ Maxx, PO Box 965036,
FL 32896-5036
14364798 +E-mail/PDF: gecsedirecoverycorp.com Jan 30 2018 02:17:37 Synchb/Sams Club, PO Box 965005,
Orlando, FL 32896-5005
14364800 +E-mail/PDF: gecsedirecoverycorp.com Jan 30 2018 02:17:37 SynchbToysrus, PO box 965036,
Orlando, FL 32896-5036
14364801 +E-mail/PDF: gecsedirecoverycorp.com Jan 30 2018 02:17:09 Synchrony Bank/Walmart,
PO Box 965024, Orlando, FL 32896-5024
14402456 +E-mail/Text: bncmail@w-legal.com Jan 30 2018 02:11:49 TD Bank USA, N.A.,
C/O Weinstein & Riley P.S., 2001 Western Ave Ste. 400, Seattle, WA 98121-3132
TOTAL: 26

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Fifth Third Bank
cr LSF9 MASTER PARTICIPATION TRUST
cr The Bank Of New York Mellon, etal
cr WELLS FARGO BANK, N.A.

TOTALS: 4, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 31, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

District/off: 0315-2

User: dbas
Form ID: 149

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Total Noticed: 69

Date Rcvd: Jan 29, 2018

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 29, 2018 at the address(es) listed below:

Amy L. Zema on behalf of Joint Debtor Amy M. Shifko amy@zemalawoffice.com
Amy L. Zema on behalf of Plaintiff Amy M. Shifko amy@zemalawoffice.com
Amy L. Zema on behalf of Plaintiff Robert E. Shifko amy@zemalawoffice.com
Amy L. Zema on behalf of Debtor Robert E. Shifko amy@zemalawoffice.com
James Warmbrodt on behalf of Creditor Fifth Third Bank bkgroup@kmlawgroup.com
James P. Valecko on behalf of Creditor LSF9 MASTER PARTICIPATION TRUST jvalecko@weltman.com,
jbluemle@weltman.com
Jerome B. Blank on behalf of Creditor LSF9 MASTER PARTICIPATION TRUST pawb@fedphe.com
Jill Manuel-Coughlin on behalf of Creditor The Bank Of New York Mellon, etal jill@pkallc.com,
chris.amann@pkallc.com;nick.bracey@pkallc.com;samantha.gonzalez@pkallc.com;harry.reese@pkallc.com
Karina Velter on behalf of Creditor WELLS FARGO BANK, N.A. amps@manleydeas.com
Karina Velter on behalf of Defendant Wells Fargo Bank amps@manleydeas.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
Thomas Song on behalf of Creditor LSF9 MASTER PARTICIPATION TRUST pawb@fedphe.com
TOTAL: 13